IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 22507 of 2007(D)

PETITIONER:

HEMA M.B., UPSA,
R.M.V.H.S.S., PERINJANAM,
THRISSUR.

BY ADV. SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH

RESPONDENTS:

---

1. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.

3. THE DISTRICT EDUCATIONAL OFFICER,
CHAVAKKAD.

ADDL.R4. STATE OF KERELA REPRESENTED BY THE SECRETARY
TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION,
THIRUVANANTHAPURAM.

IMPLEADED AS PER THE DIRECTION CONTAINED IN THE JUDGMENT.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

- -

W.P(C) No.22507 of 2007

- -

Dated this the 31st day of July, 2007.

J U D G M E N T

Petitioner is an Upper Primary school Assistant working in an aided school. It is contended that prior to her appointment against a permanent vacancy, she had worked in the school as UPSA in 3 spells of leave vacancies for the entire academic year without any break. She had worked in the leave vacancy of Smt.V.C.Sheela from June 1, 2005 to August 31, 2005 and thereafter in another leave vacancy of Smt.P.N.Indira Pisharassiar from September 1, 2005 till December 22, 2005 and in the leave vacancy of Smt.K.N.Rema from December 23, 2005 to March 31, 2006. However when the proposal for approval of the above appointments in the three spells was forwarded to the Controlling Officer, he passed Ext.P1 order rejecting the request. The above order was challenged by the Manager before the Deputy Director of Education who also concurred with the view taken by the District Educational Officer. That order was challenged before the Director of Public Instruction but without any success, as as could be seen from Ext.P5. Learned counsel submits that petitioner has preferred Ext.P6 revision petition against Ext.P5 order before the Government. The limited prayer is to issue a direction to the authority concerned to take a decision on Ext.P6 expeditiously. Therefore State of Kerala represented by the Secretary to Government in the Department of General Education, Thiruvananthapuram is impleaded as additional respondent No.4.

Learned Government Pleader accepts notice for the said respondent.

2. In the above facts and circumstances the writ petition is disposed of with a direction additional respondent No.4 to consider and pass orders on Ext.P6 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within 4 months from the date of receipt of a copy of this judgment. Needless to mention the petitioner and the Manager shall be afforded sufficient opportunity to be heard before any decision is taken in the matter.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before addl. respondent No.4 for compliance.

A.K. Basheer
Judge.

an.